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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE H.L.DATTU.

WRIT PETITION NO:26080/1993

BETWEEN:

B.V.Chikkana Magund
s/o. Veerappa
aged about 41 years
Assistant Director
Karnataka Land Army
Corporation Ltd.,
Belgaum.

...PETITIONER.

(Sri B.B.Bajentri Adv.,)

AND:

The Managing Director
Karnataka Land Army
Corporation Ltd.,
Chinnaswamy Stadium

.....2.

North End,
Rajbhavan Road,
Bangalore - 560 001.

...RESPONDENT.

(Sri R.H.Chandana goudar Adv.,)

Writ Petition filed under Articles
226 and 227 of the Constitution of India
with an affidavit praying to Quash the
endorsement dt:17.4.93 vide Annexure 'F'.
& etc.,

Writ Petition is coming on for
hearing this day the court made the
following:

O R D E R

Petitioner is an Assistant Director
in Karnataka Land Army Corporation
(Corporation for short). He is before this court
for a direction to the respondents to re-
fix his payscale at Rs.2750/- as on 29.1.88
and at Rs.2825/- as on 1.4.89 in scale of
Rs.2200-4070.

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2. Learned Counsel Sri Chandangoudar, appearing for the respondent Corporation informs me that petitioner had approached the Managing Director of the respondent-Corporation requesting him for refixation of his payscales, and that request of the petitioner was rejected by the Managing Director by his endorsement dt:17.4.93. Aggrieved by that endorsement according to the learned counsel, petitioner has already preferred an appeal before the Board of Directors and the said appeal ~~is~~ pending for consideration before the Board of Directors. Therefore it is not open to the petitioner to come before this court for the same cause of action.

3. Having chosen to approach the appellate authority against the orders made by the Managing Director in rejecting the request for refixation of pay scale, in my view petitioner could not have approached this court till the appeal ~~so~~ filed by him

is considered and disposed off by the appellate authority. Normally this court will not permit an aggrieved person to resort to parallel proceedings one before the appellate authority and the other before this court for the same cause of action.

4. In that view of the matter, this writ petition is disposed off without expressing any opinion on the merits or demerits of the case, reserving liberty to the ^e~~p~~itioner to approach this court if he so desires after disposal of the appeal preferred by him before the Board of Directors against the orders made by the Managing Director dt:17.4.1993.

Sd/- JUDGE

BKP

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